

Application No.: 10/743,668
Amendment Dated: February 13, 2007
Reply to Office Action Mailed November 13, 2006

REMARKS/ARGUMENTS

Claims 1 through 9, 11, 15, 16 and 18 through 21 are pending in the instant application. Claims 1 through 9, 11, 15, 16 and 19 through 21 have been cancelled without prejudice or disclaimer of subject matter. Claim 18 has been amended to address a minor informality. New claims 22 through 35 have been added to the instant application.

The Examiner has rejected claims 1 through 5, 8, 9, 11, 15, 16 and 19 through 21 under 35 U.S.C. 102(b) as being anticipated by Simcox et al., U.S. Patent No. 1,437,157. The Examiner has rejected claims 1, 2, 4 through 9, 15 and 16 under 35 U.S.C. 102(b) as being anticipated by Potter, U.S. Patent No. 6,241,180. The Examiner has rejected claims 1, 2, 4 through 6, 8, 9, 11, 15, 16 and 21 under 35 U.S.C. 102(b) as being anticipated by Smith, et al., U.S. Patent No. 6,402,085. The Examiner has rejected claims 1 through 3, 5 through 9, 15, 16, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Cosmetto, et al., U.S. Patent No. 5,127,412. The Examiner has allowed claim 18. The rejection of applicants' claims is respectfully traversed. Reconsideration and favorable action is respectfully solicited in view of the following.

The Examiner has rejected claims 1 through 5, 8, 9, 11, 15, 16 and 19 through 21 under 35 U.S.C. 102(b) as being anticipated by Simcox et al., U.S. Patent No. 1,437,157. The Examiner is of the view that:

Simcox discloses a device which could lock a suture including a retaining member 5 having asymmetric, non-round ends and a support member 1, 2, 3 having asymmetric, non-round recesses 8 for receiving the ends of the retaining member. The grooves 9 would constitute a key. The arms 3 have arcs. The cross-section of the bars 2 and 3 would be rectangular.

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Although the applicants disagree with the Examiner's characterization of the relied upon reference and are of the view that claims 1 through 5, 8, 9, 11, 15, 16 and 19 through 21 are patentable over this reference, the applicants have cancelled claims 1 through 5, 8, 9, 11, 15, 16 and 19 through 21, without prejudice or disclaimer of subject matter, in order to advance this important case to allowance. In view thereof, the applicants respectfully request that the rejection of claims 1 through 5, 8, 9, 11, 15, 16 and 19 through 21 under 35 U.S.C. 102(b) as being anticipated by Simcox et al., U.S. Patent No. 1,437,157, be removed.

The Examiner has rejected claims 1, 2, 4 through 9, 15 and 16 under 35 U.S.C. 102(b) as being anticipated by Potter, U.S. Patent No. 6,241,180. The Examiner is of the view that:

Potter discloses a device having a retaining member 10 having openings between arms 12 and ends 15 which are received in non-round, asymmetric recesses 22 of a support member 24, 28.

Although the applicants disagree with the Examiner's characterization of the relied upon reference and are of the view that claims 1, 2, 4 through 9, 15 and 16 are patentable over this reference, the applicants have cancelled claims 1, 2, 4 through 9, 15 and 16, without prejudice or disclaimer of subject matter, in order to advance this important case to allowance. In view thereof, the applicants respectfully request that the rejection of claims 1, 2, 4 through 9, 15 and 16 under 35 U.S.C. 102(b) as being anticipated by Potter, U.S. Patent No. 6,241,180, be removed.

The Examiner has rejected claims 1, 2, 4 through 6, 8, 9, 11, 15, 16 and 21 under 35 U.S.C. 102(b) as being anticipated by Smith, et al., U.S. Patent No. 6,402,085. The Examiner is of the view that:

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Smith discloses a retaining member 20, 30, having an opening 46 therein. The keyed ends 32, 34 are received in non-round, keyed, asymmetric recesses 92 of a support member 60, 80 and 82.

Although the applicants disagree with the Examiner's characterization of the relied upon reference and are of the view that claims 1, 2, 4 through 6, 8, 9, 11, 15, 16 and 21 are patentable over this reference, the applicants have cancelled claims 1, 2, 4 through 6, 8, 9, 11, 15, 16 and 21, without prejudice or disclaimer of subject matter, in order to advance this important case to allowance. In view thereof, the applicants respectfully request that the rejection of claims 1, 2, 4 through 6, 8, 9, 11, 15, 16 and 21 under 35 U.S.C. 102(b) as being anticipated by Smith, et al., U.S. Patent No. 6,402,085, be removed.

The Examiner has rejected claims 1 through 3, 5 through 9, 15, 16, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Cosmetto, et al., U.S. Patent No. 5,127,412. The Examiner is of the view that:

Cosmetto discloses a suture locking device having a retaining member 40 having keyed ends 45 and 49. The ends of the retaining member are received in non-round asymmetric recesses 42. The support member is arcuate. The retaining member has openings 41 for receiving a suture 15.

Although the applicants disagree with the Examiner's characterization of the relied upon reference and are of the view that claims 1 through 3, 5 through 9, 15, 16, 19 and 20 are patentable over this reference, the applicants have cancelled claims 1 through 3, 5 through 9, 15, 16, 19 and 20, without prejudice or disclaimer of subject matter, in order to advance this important case to allowance. In view thereof, the applicants respectfully request that the rejection of claims 1 through 3, 5 through 9, 15, 16, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Cosmetto, et al., U.S. Patent No. 5,127,412, be removed.

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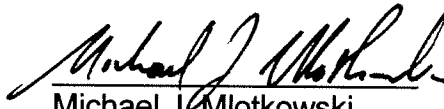
The Examiner has allowed claim 18. New claims 22 through 35 have been added to the instant application, each of which depend from allowed claim 18 or a claim that depends therefrom. In view thereof, it is respectfully submitted that each of new claims 22 through 35 are allowable.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478(13793).

It is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully solicited.

Respectfully submitted,

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